

The Jake Laird Act of 2018

*Congresswoman Susan W. Brooks (IN-05), Congressman Ted Deutch (FL-22),
Congressman Fred Upton (MI-6), and Congresswoman Debbie Dingell (MI-12)*

Provides grants to encourage states to adopt laws, that require both **due process** and **probable cause**, enabling local law enforcement to seize and retain firearms from individuals who are determined to be a danger to themselves or others.

To be eligible for grants states must have a law in force that is substantially similar to the following provisions:

1. A state or local court may issue warrants for non-federal law enforcement to seize firearms from a person who has been determined by a court to be dangerous.
 - A person is dangerous if they:
 - Present an imminent risk of injuring himself/herself, another individual
 - OR
 - May present a risk of injuring himself/herself, another individual AND one or more of the following:
 - Has a mental illness that is controlled by medication, but the individual has demonstrated a pattern of not voluntarily taking the medication.
 - Is subject to documented evidence that would give reasonable belief that the individual has a propensity for violent or emotionally unstable conduct.
 - Poses a significant danger of personal injury to their self or others by possessing a firearm
 - Firearm has the same meaning as given in [US Code Title 18, Section 921](#).
2. Law enforcement may seize a firearm without a warrant if they determine by probable cause that an individual is dangerous. Law enforcement is required to file a return with the proper court and information about the seizure within 48 hours.
3. Within 21 days of a seizure the court shall hold a hearing to determine whether the individual is dangerous.
4. If the individual is found to be dangerous by the court, by clear and convincing evidence, the law enforcement agency shall be ordered to retain the firearms seized, revoke the individual's license(s) to carry a firearm, and enter an order restraining the individual from acquiring a firearm.
 - Firearms that do not belong to the individual shall be returned to their proper owner.
 - An individual may request that the firearms be sold and the proceeds given to them in accordance with local law.
5. If the individual is not determined to be dangerous, their firearms shall be returned to them.
6. 180 days after an individual is found to be dangerous by the court, an individual may petition the court to return the seized firearms. The court shall return the firearms if the individual proves they are not dangerous by preponderance of the evidence.
 - If this petition by the individual is denied, they may file another petition for the return of the firearms 180 days after the last previous denial.
 - Nothing prevents a court from setting its own hearing to determine dangerousness sooner than the 180-day limit placed on the individual.
7. If an order preventing an individual from possessing firearms is still in effect 5 years after it was ordered, local law enforcement may be ordered to destroy the seized firearms.